
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

TRAVIS LYNN SHUMWAY, an individual residing in the state of Utah; CHAD L. SHUMWAY, an individual residing in the state of Utah; MOUNTAIN WEST MEDICAL SUPPLY, L.L.C., a Utah limited liability company; UNITED ENERGY WORKERS HEALTHCARE, CORP., an Ohio corporation; FOUR CORNERS HEALTH CARE CORP., a Utah corporation; and FOUR CORNERS HEALTHCARE INC., a Wyoming corporation;

Plaintiffs,

v.

JAMES LINN WRIGHT, an individual; AUDRA WRIGHT, as individual; GARY D. SLAVENS, as individual; JANE AND JOHN DOES 1-10; and DOE BUSINESS ENTITIES 1-10;

Defendants.

**MEMORANDUM DECISION AND
ORDER ADOPTING REPORT AND
RECOMMENDATION OF SPECIAL
MASTER REPORT NO. 21**

Case No. 4:19-cv-00058-DN-PK

District Judge David Nuffer
Magistrate Judge Paul Kohler
Special Master Philip J. Favro

The Report and Recommendation issued by Special Master Philip J. Favro on May 19, 2020,¹ recommends that Plaintiffs' Motion for Order of Contempt Against Gary Slavens and Award of Attorney Fees and Costs² be denied as to the request for an order of contempt against Dr. Slavens but that Plaintiffs nevertheless be awarded their reasonable attorney fees and costs incurred as a result of Dr. Slavens' misconduct.

¹ Special Master Report No. 21, Report and Recommendation on Plaintiffs' Motion for Order of Contempt Against Defendant Gary D. Slavens and Award of Attorney Fees and Costs ("Report and Recommendation"), [docket no. 239](#), filed May 19, 2020.

² [Docket no. 211](#), filed March 27, 2020.

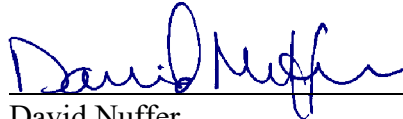
No objections having been filed, and the time for making any objections having passed,³ and for good cause otherwise appearing, the findings of fact, analysis, and conclusions of the Special Master are accepted, and the Report and Recommendation is adopted in its entirety.

ORDER

IT IS HEREBY ORDERED that the Report and Recommendation⁴ is ADOPTED. Plaintiffs' Motion for Order of Contempt Against Gary Slavens and Award of Attorney Fees and Costs⁵ is DENIED as to the request for an order of contempt against Dr. Slavens but GRANTED as to the request for reasonable attorney fees and costs incurred as a direct result of Dr. Slavens' actions that resulted in the March 6, 2020 Order to Show Cause hearing. Within 14 days of the entry of this Order, Plaintiffs must file a motion and affidavit establishing the amount of costs and fees so incurred. Within 14 days thereafter, Dr. Slavens may file any objection.

Signed June 5, 2020.

BY THE COURT:



David Nuffer
United States District Judge

³ Order Re: Special Master Report No. 21 (setting June 3, 2020 deadline for filing objections), [docket no. 240](#), filed May 20, 2020.

⁴ Special Master Report No. 21, Report and Recommendation on Plaintiffs' Motion for Order of Contempt Against Defendant Gary D. Slavens and Award of Attorney Fees and Costs, [docket no. 239](#), filed May 19, 2020.

⁵ [Docket no. 211](#), filed March 27, 2020.